

United States Government

**NATIONAL LABOR RELATIONS BOARD**

**Region 31**

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[www.nlrb.gov](http://www.nlrb.gov)

June 9, 2004

John C. Scully, ESQ.  
National Right To Work Legal Defense Foundation, Inc.  
8001 Braddock Road., #600  
Springfield, VA 22160

Re: Four Points by Sheraton  
Case : 31-UD-284

Dear Mr. Scully:

The above-captioned case, petitioning for the removal of the Union security clause, under Section 9(e) of the National Labor Relations Act, as amended, has been carefully investigated and considered.

As a result of the investigation, it does not appear that further proceedings on the petition are warranted inasmuch as the petitioned for unit is not coextensive with the existing contractual unit. In this regard, it is noted that the owner/operator of Four Points by Sheraton (hereafter, Four Points) is KOR Realty Group (hereinafter KRG). KRG is also the owner/operator of The Viceroy Hotel in Santa Monica, California. Hotel and Restaurant Employees Union, Local 11 (hereinafter the Union) represents the employees at Four Points and The Viceroy. On December 19, 2003, KRG and the Union entered into an agreement to merge the bargaining units at the Four Points and The Viceroy into a single unit for collective bargaining covered by the same collective bargaining agreement (the Viceroy agreement). The Board has dismissed similar deauthorization petitions when bargaining units have been merged into a single bargaining unit. See *Steak & Brew, Inc.*, 221 NLRB 506 (1975); *Steak & Brew, Inc.*, 223 NLRB 1445 (1976); and *Heck's Inc.*, 234 NLRB 756 (1978).

In view of the fact that the petitioned for unit at the Four Points is not coextensive with the merged bargaining unit at Four Points and The Viceroy, I am dismissing the petition in this matter.

Pursuant to the National Labor Relations Board Rules and Regulations, you may obtain a review of this action by filing an appeal with the National Labor Relations Board, Washington, D.C. 20570. A copy of such must be served upon each of the other parties to the proceeding, and reasons upon which it is based. The appeal (8 copies) should be filed with the Board in Washington, D.C. 20570 by close of business June 23, 2004, except that the Board may, upon good cause shown, grant special permission for a longer period within which to file. The request for extension of time should be submitted to the

Board in Washington, and a copy of any such request for extension of time should be submitted to me and to the other parties to this proceeding.

The appeal and the request for extension of time must include a statement that a copy has been served on me and on each of the other parties to this proceeding in the same or faster manner as that utilized in filing the request with the Board.

Very truly yours,

*/s/ James J. McDermott*

James J. McDermott  
Regional Director

CERTIFIED MAIL – 7003 2260 0006 6652 0508  
RETURN RECEIPT REQUESTED

cc: National Labor Relations Board, Washington, D.C. 20570

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